



March 16, 1999

Mr. Eric Magee
Staff Attorney
Legal and Compliance, MC 110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR99-0730

Dear Mr. Magee:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124333.

The Department of Insurance received a request for a copy of a bid response and other information related to a request for proposals, RFP No. 99-Dental HMO. You seek to withhold portions of the requested information under sections 552.104 and 552.111 of the Government Code.

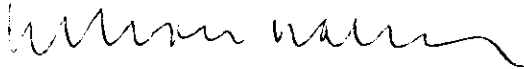
Section 552.104 protects from required public disclosure "information that, if released, would give advantage to a competitor or bidder." Section 552.104 is generally invoked to except information submitted to a governmental body as part of a bid or similar proposal. *See, e.g.,* Open Records Decision No. 463 (1987). Governmental bodies may withhold this type of information while the governmental officials are in the process of interpreting the proposals and the competitors are free to furnish additional information. *Cf.* Open Records Decision No. 170 (1977). Section 552.104 does not, however, except bids or proposals from disclosure once the bidding is over and the contract is in effect, Open Records Decision Nos. 306 (1982); 184 (1978), or where no contract is awarded. Open Records Decision No. 201 (1978).

You advise that the contract to which the information in question relates has not yet been finalized and signed. Having reviewed your arguments and the information at issue, we conclude that you may withhold the information under section 552.104 at this time. Since

we have resolved this request under section 552.104, we need not address your section 552.111 claim.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "William Walker", with a long, sweeping horizontal stroke at the end.

William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref:: ID# 124333

Encl. Submitted documents

cc: Ms. Beverly Sepulveda
SynerImages
16502 Champions Cove Circle
Spring, Texas 77379
(w/o enclosures)